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May 17, 2024

Honorable Sanket J. Bulsara, U.S.M.J.  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

**Re: *Biofer S.p.A. v. Vifor (International) AG.*, No. 1:22-cv-02180-AMD-SJB (E.D.N.Y.)**

Dear Judge Bulsara:

Pursuant to your Honor's March 15, 2024 Order (ECF 138, "Order"), we write on behalf of both parties to provide this status report to address the items specified in the Order:

(i) **Status of Settlement:** This matter has not settled following the agreed upon 60-day stay period. While the parties continue to believe that good faith settlement discussions could be productive, the Court's claim construction decision has not resolved the disputes between the parties.

(ii) **Whether an Additional Stay is Necessary:** The parties do not believe that a further stay will advance the current state of settlement discussions. The parties have discussed whether Vifor intends to file a summary judgement on infringement issues in light of the Court's claim construction. The parties are also discussing whether a stay of pretrial and expert deadlines may be helpful and conserve resources, if Vifor decides to file such motion.

(iii) **Additional Actions by the Court:** The parties do not request that the Court take any other action not contained within its March 15, 2024 Order (ECF 138) before the May 30, 2024 status conference set by the Court. Depending upon the Court's resolution of the pending motions to compel, and whether the parties can reach agreement on summary judgment, the parties would like to discuss with the Court during the May 30 conference scheduling for the remainder of the case.

We thank the Court for your time and attention to this matter.

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Sincerely yours,

/s/ Jonathan D. Ball

Jonathan D. Ball

Shareholder